



30 JUL 2010

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United States Patent and Trademark Office  
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CROWELL & MORING LLP  
INTELLECTUAL PROPERTY GROUP  
P.O. BOX 14300  
WASHINGTON DC 20044-4300

In re Application of :  
EBERL, Roland et al. :  
Application No.: 10/551,650 :  
PCT No.: PCT/EP2000/009843 : DECISION  
Int. Filing Date: 07 October 2000 :  
Priority Date: None :  
Attorney's Docket No.: 101795.56304US :  
For: INFORMATION SYSTEM :

This is a decision on applicants' petition under 37 CFR 1.47(a) and renewed request under 1.42, filed in the United States Patent and Trademark Office on 01 June 2010.

### BACKGROUND

On 02 December 2009, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicant's request for status.

On 01 June 2010, applicants submitted this petition under 37 CFR 1.47(a) and renewed request for status under 37 CFR 1.42 and the fee for a four month extension of time.

### DISCUSSION

#### PETITION UNDER 37 CFR 1.47(a)

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (2) (3) and (4) have been satisfied. The \$200 petition fee will be charged to deposit account no. 05-1323, as authorized. Applicants state the last known address of the nonsigning legal representative, Mr. Matthias Mayer as Löwengrube 12, 80333 Munich, Germany. The declaration complies with 37 CFR 1.47.

#### REQUEST UNDER 37 CFR 1.42

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions

applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 C.F.R. 1.42.

The declaration submitted 05 October 2009, lists the inventors and their citizenships and the deceased inventor's legal representative and his citizenship, residence and mailing address. It complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42.

### **CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **GRANTED** and applicants' request under 37 CFR 1.42 is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application. The application has a date of 05 October 2009 under 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4).

/Erin P. Thomson/

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Dear Mr. Mayer:

You are named as legal representative of an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, Roland H. Eberl will be designated as an inventor.

As the legal representative, you stand in place of the inventor. 37 CFR 1.42. A named inventor is entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make one's position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. The counsel for the applicant is listed below. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

/Erin P. Thomson/

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